

**THE COMMON COUNCIL OF THE CITY OF NEW ALBANY,  
INDIANA HELD A MEETING IN THE CITY/COUNTY BUILDING  
ON THURSDAY, MARCH 16, 2006.**

The meeting of the **New Albany City Council** was called to order by President Jeff Gahan at 7:31 pm. The meeting opened with the Lord's Prayer and the Pledge of Allegiance.

**MEMBERS PRESENT:** Council Members Mr. Coffey, Mr. Schmidt, Mr. Price, Mr. Kochert, Mr. Seabrook, and President Jeff Gahan. Ms. Crump entered after roll call, and Mr. Blevins and Mr. Messer were not present.

**OTHERS:** Council Attorney Jerry Ulrich and City Clerk Marcey Wisman.

**ALSO:** John Rosenbarger, Planning and Zoning, Brian Dixon, EMC, Paul Wheatley, Economic Development Director, Tony Toran, Director of City Operations and Mayor James E. Garner, Sr.

**APPROVAL OR CORRECTION OF THE FOLLOWING MINUTES:**

**Mr. Coffey moved to approve the meeting minutes of March 6, 2006, Mr. Price second, all voted in favor.**

**Mr. Seabrook motioned to suspend the rules to move the CF-1's forward on the agenda, Mr. Coffey second, all voted in favor.**

**APPROVAL OF CF-1 FORMS:**

Community First Holdings, Inc., d/b/a The  
Tribune, Compliance with Statement  
of Benefits, Referencing R-97-37

**Mr. Coffey moved to approve, Mr. Schmidt second, all voted in favor by show of hands.**

TG Missouri Corp., Compliance with Statement  
of Benefits, Referencing R-04-35 and R-06-01

**Mr. Schmidt moved to approve, Mr. Price second, all voted in favor by show of hands.**

Kessans & Kessans Properties Indiana, Compliance  
with Statement of Benefits, Referencing R-96-53

**Mr. Coffey moved to approve, Mr. Schmidt second, all voted in favor by show of hands.**

Lee Supply Corp (4-L Company of Carmel),  
Compliance with Statement of Benefits, Referencing R-97-45

**Mr. Seabrook moved to approve, Mrs. Crump second, all voted in favor by show of hands.**

Carl F. Booth & Co., LLC, Compliance with Statement  
of Benefits, Referencing R-99-03

**Mr. Seabrook moved to approve, Mr. Kochert second, all voted in favor by show of hands.**

Shireman-Uhl Properties, LLC, Compliance with Statement of

*City Council March 16, 2006*

*All meetings are taped and can be reviewed in the City Clerk's Office*

Benefits, Referencing R-04-22

**Mr. Kochert moved to approve, Mr. Schmidt second, all voted in favor by show of hands.**

Joseph T & Teresa L. Zeller, Compliance with Statement  
Of Benefits, Referencing R-99-34

**Mr. Coffey moved to approve, Mr. Price second, all voted in favor by show of hands.**

Fire King International, Inc., Compliance with Statement  
Of Benefits, Referencing R-99-16(real estate) and  
R-99-16 (Personal Property)

**Mr. Price moved to approve, Mr. Schmidt second, all voted in favor by show of hands.**

Carlisle Family, LLC, Compliance with Statement  
Of Benefits, Referencing R-99-17

**Mr. Coffey moved to approve, Mr. Schmidt second, all voted in favor by show of hands.**

Ideal Wood Products, Inc. (Morency Real Estate),  
Compliance with Statement of Benefits, Referencing  
R-02-31

**Mr. Coffey moved to approve, Mr. Price second, all voted in favor by show of hands.**

#### **COMMUNICATIONS – PUBLIC:**

**Greg Roberts, ESSNA**, invited the council to a forum being put on by the East Spring Street Neighborhood Association on April 4 at 6:30 to discuss issues concerning the inner city of New Albany.

**David Huckleberry**, discussed R-06-07 and stated that he does not believe that this is the type of economic development that is needed in New albany. He also discussed the possible rescinding of the County funds for the Scribner Place Project due to tight budgets.

**Steve Goodman and Carl Holiday**, spoke on behalf of several the other bar and pub owners in the downtown area against R-06-07. He asked for them to talk with the business owners that are here now to get their in-put prior to passing this resolution.

**Valla Ann Bolovshak**, addressed the board regarding concerns she had with the 2004 Audit and went over several comments from the State Board of Accounts regarding depleted funds and accounting practices used by the City.

#### **COMMUNICATIONS – CITY OFFICIALS:**

#### **SEWER BOARD REPORT:**

**Mr. Kochert** stated that there is nothing at this time to report except that everything with the EPA is pending. He stated that they have replied to the EPA's last letter and they are waiting for their response.

**Mr. Gahan** asked if financial information will be presented at the next meeting.

**Mr. Kochert** stated that it would.

*City Council March 16, 2006*

*All meetings are taped and can be reviewed in the City Clerk's Office*

**There was a lengthy discussion regarding how the credits the EPA has offered at this time will affect the City's Economic Development and whether or not the council will be asked to increase the sewer rate and if so by how much.**

**Mayor Garner** stated that his best guesstimate is that the rate will have to be raised by approximately 15 – 20% but they would not know for sure until a rate study has been performed.

**Mr. Coffey** discussed his concerns with the bond council that prepared the rate study for the prior administration and was unhappy with the fact that this firm was still being used by the City.

**Mr. Price** asked Mayor Garner about the \$401,000 dollars that was borrowed from EDIT Funds in 2002 and whether or not they need to reimburse that money.

**Mayor Garner** stated that it was up to the Council to make that decision.

**Mr. Coffey** stated that from looking over the EPA letter that was in their packets it is obvious that a lot has been accomplished on the sewers but the EPA is still seriously concerned with the number of SSO's going on throughout the City. He stated that they need to look at repairing the secondary lines. He also stated his concern that they have received a copy of the Audit from a citizen rather than the administration.

#### **COMMUNICATIONS – MAYOR:**

**Mayor Garner** stated that the EPA promised to respond to their letter within 24 hours which would be tomorrow morning.

**Mr. Schmidt** informed the Mayor that the homes at 133 and 201 Edgemont had six inches of sewage in their basements and the owners wanted to know what the city can do for them.

**Mayor Garner** stated that they need to call EMC to see if the problem was caused by the City and if it was they can have it cleaned and file a claim with the Sewer Board.

#### **APPOINTMENTS:**

#### **INTRODUCTION OF ORDINANCES AND RESOLUTIONS:                      READING**

**R-06-06              Resolution to Fund Haven House, Inc.**

**Mr. Schmidt** asked that this be tabled. He would like to look into the amount of funds that have been donated to this type of organization in the past.

R-06-07              Common Council, City of New Albany, Indiana  
Designating the Boundaries of a Riverfront  
Development Project Area in the City of New Albany

**Mr. Coffey asked to table this until a later date.**

G-06-03              Urban Construction Site Runoff Control Ordinance

**Mr. Seabrook introduced G-06-03 and motioned for the first reading by title only, Mr. Coffey second, all voted in favor except for Mr. Blevins and Mr. Messer who were not present.**

**Mr. McCormick** presented a graph to explain the purpose for G-06-03. He also explained to them that G-06-03 functions as the enforcement of G-06-02. Said graph is on file with the City Clerk.

*City Council March 16, 2006*

*All meetings are taped and can be reviewed in the City Clerk's Office*

**There was a lengthy discussion regarding G-06-02 and G-06-03 and the up-coming fees structure and the progress on setting the rates.**

G-06-02          Storm water Illicit Discharge Control Ordinance

**Mr. Kochert introduced G-06-02 and motioned for the second reading by title only, Mr. Coffey second, all voted in favor except for Mr. Blevins and Mr. Messer who were not present.**

**Mr. Kochert** stated that he would like the qualifications for the engineer to be spelled out more clearly before they have the third reading.

Z-06-03          An Ordinance for the Vacation of an Existing Drainage  
And Utility Easement Pursuant to a Petition Filed by  
Jesse Ballew

**Mrs. Crump introduced Z-06-03 and motioned for the second and third readings by title only, Mr. Kochert second, all voted in favor except for Mr. Blevins and Mr. Messer who were not present. Bill Z-06-03 became Ordinance Z-06-07.**

Z-06-06          Ordinance Amending the Code of Ordinances of New  
Albany, Indiana, Title XV, Chapter 156 (Docket P-  
03-06: Storage Express II)

**Mrs. Crump introduced Z-06-06 and motioned for the second and third readings by title only, Mr. Coffey second, the bill did not pass due to a unanimous nay vote.**

Z-06-07          Ordinance Amending the Code of Ordinances of New  
Albany, Indiana, Title XV, Chapter 156 (Docket P-  
04-06: J & S Builders, Inc.)

**Mr. Rosenbarger stated that he had a corrected legal description for the project.**

**Mrs. Crump asked that this be tabled so that everyone would have an opportunity for look over this.**

Z-06-08          Ordinance Amending the Code of Ordinances of New  
Albany, Indiana, Title XV, Chapter 156 (Docket P-  
06-06: DSD Development)

**Mrs. Crump introduced Z-06-08 and motioned for the second and third readings by title only, Mr. Kochert second, all voted in favor except for Mr. Blevins and Mr. Messer who were not present. Bill Z-06-08 became Ordinance Z-06-08.**

**Mr. Seabrook** asked Mr. Price about the Studio2000SI resolution.

**Mr. Price** stated that Mr. Wheatley asked him not to bring that forward tonight due to there not being a full council.

**Mr. Seabrook** stated that he believed that they had found the money elsewhere to cover this, and he believed it was through the Parks Department.

**Mr. Schmidt** asked if R-05-25 needed to remain on the table.

**Larry Kochert** asked the Clerk to strike R-05-25 from the tabled ordinances.

**Mr. Gahan** stated that at the end of the next meeting he would like to have a drainage meeting with the whole council.

There being no further business before the board, the meeting adjourned at 8:52 p.m.

***City Council March 16, 2006***

***All meetings are taped and can be reviewed in the City Clerk's Office***

\_\_\_\_\_  
Jeff Gahan, President  
Common Council, City of New Albany

ATTEST:\_\_\_\_\_  
Marcey J. Wisman, City Clerk

*City Council March 16, 2006*

*All meetings are taped and can be reviewed in the City Clerk’s Office*